

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:
Eugene Gorbatov et al.

Group Art Unit: 2623

App. Serial. No.: 09/910,574

Examiner: Harum M. Yiman

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Title: METHOD AND APPARATUS FOR ENHANCING TELEVISION
PROGRAMS WITH EVENT NOTIFICATIONS

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APPEAL BRIEF

Pursuant to Appellant's Notice of Appeal filed on even date herewith, Appellant presents this Appeal Brief in appeal of the final rejections in the Office Action mailed July 18, 2007.

The required headings and subject matter follow.

(i) *Real party in interest.*

The real party in interest is Intel Corporation.

(ii) *Related appeals and interferences.*

There are no known related appeals or interferences.

(iii) *Status of claims.*

Claims 1-3, 6-15, 18-21, 26-27, 29-31, and 33 are pending in the application. All of those claims stand finally rejected, are subject to this appeal, and are reproduced in the Claims Appendix.

(iv) *Status of amendments.*

No amendments were filed after the Office Action mailed July 18, 2007 (the "Final Office Action").

(v) *Summary of claimed subject matter.*

The Abstract of the present application states as follows: *Improved enhanced TV programming provides the capability for a TV viewer watching one channel to be notified of interesting programming events happening or about to happen on other channels. The present invention overcomes the problem addressed by "surfing TV channels" by providing notifications that alert enhanced TV viewers to other programming events happening or about to happen on different channels that are not presently being watched. This enables the viewer to watch a primary program on one channel without interruption and be timely notified about interesting programming events about to occur on other channels. The viewer then may have the option of switching to another channel based on the information included with the event notification.*

The four subsections below recite each of the independent claims, and provide parentheticals that point to example embodiments of corresponding features in the specification and drawings. The references to the present application are directed to the application as published on January 23, 2003 under pub. no. US 2003/0018967.

With respect to independent claim 1, some embodiments of the invention involve a method comprising:

- receiving a television stream (e.g., paragraph 28);
- causing the display of a first program of a first television channel received in the television stream for viewing by a viewer (e.g., paragraphs 28-29); and
- notifying the viewer of an event occurring in a second program of a second television channel being broadcast concurrently with the first program (e.g., paragraph 29), notification of the event being transmitted over a third television channel (e.g., paragraph 28 ("on a selected specialized channel for event notifications")).

With respect to independent claim 13, some embodiments of the invention involve an article comprising:

- a storage medium having a plurality of machine readable instructions, wherein when the instructions are executed by a processor, the instructions provide for handling of event notifications in television programming (e.g., paragraph 30), the instructions including
- receiving a television stream; (e.g., paragraph 28)
- cause the display of a first program of a first television channel received in the television stream for viewing by a viewer (e.g., paragraphs 28-29); and
- notifying the viewer of an event occurring in a second program of a second television channel being broadcast concurrently with the first program (e.g., paragraph 29), notification of the event being transmitted over a third television channel (e.g., paragraph 28 ("on a selected specialized channel for event notifications")).

With respect to independent claim 26, some embodiments of the invention involve a method of receiving enhanced television programs, comprising:

- receiving definitions of events occurring in programs (e.g., paragraph 27);
- providing the event definitions to a viewer for selection of events of interest (e.g., paragraph 27);
- receiving registrations for selected events of interest from the viewer (e.g., paragraph 27);
- receiving an enhanced television stream, the stream comprising television programs and event notifications corresponding to events, the television programs being

received over a first set of television channels, and the event notifications being received over a selected specialized television channel not in the first set of television channels (e.g., paragraph 28); and

- comparing the received event notifications to the registered events and notifying the viewer when a received event notification corresponds to a registered event (e.g., paragraph 28).

With respect to independent claim 30, some embodiments of the invention involve an article comprising:

- a storage medium having a plurality of machine readable instructions, wherein when the instructions are executed by a processor, the instructions provide for handling of event notifications in television programming (e.g., paragraph 30), the instructions including
 - receiving definitions of events occurring in programs (e.g., paragraph 27);
 - providing the event definitions to a viewer for selection of events of interest (e.g., paragraph 27);
 - receiving registrations for selected events of interest from the viewer (e.g., paragraph 27);
 - receiving an enhanced television stream, the stream comprising television programs and event notifications corresponding to events, the television programs being received over a first set of television channels, and the event notifications being received over a selected specialized television channel not in the first set of television channels (e.g., paragraph 28);
 - comparing the received event notifications to the registered events and alerting the viewer when a received event notification corresponds to a registered event (e.g., paragraph 28).

(vi) Grounds of rejection to be reviewed on appeal.

I. Claims 1-3, 6-15, 18-21, 26-27, 29-31, and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent application pub. no. 2005/0086688 ("Omoigui") in view of U.S. patent application pub. no. 2002/0104090 ("Stettner").

(vii) Argument.

I. The rejection of claims 1-3, 6-15, 18-21, 26-27, 29-31, and 33 under 35 U.S.C. § 103(a) as being unpatentable over Omoigui in view of Stettner is in error and should be reversed.

All of the independent claims (i.e., claims 1, 13, 26, and 30) require the event notification to be transmitted over a different television channel than the channel that is carrying the TV program being played. The Office Action admits that Omoigui fails to disclose the limitation that the notification of the event is transmitted over a different channel than the one carrying the TV program being played. However, the Office Action asserts that Stettner teaches transmitting event notifications over a TV channel that is different than the TV channel carrying the TV program being played. Applicant respectfully traverses that assertion.

The Office Action relies on paragraph 32 of Stettner as allegedly teaching that event notifications are transmitted over a TV channel that is different than the TV channel carrying the TV program being played. However, paragraph 32 says no such thing. Paragraph 32 merely states as follows:

As noted above, the local studio 106 can insert additional programming into the received transmission, for example, to provide cable content that includes locally provided channels. The programming is then distributed to customers over the cable network 134. In addition to local program insertion, the local studio 106, cable service provider 108, or other party can insert advertising content. Product supplemental information relating to the advertising for participating merchants 122 can also be inserted. Product supplemental information can include information relating to the goods or services being advertised in the commercial. In addition to goods and services, coupons and other information services can be made available to the viewer, which in one embodiment can be obtained via the merchant's 122 web site 124 on the Internet. Triggers, such as Advanced

Television Enhancement Forum (ATVEF) triggers, which are related to the web site 124 and/or to its contents, can be continuously updated as the television broadcast is being received. The web site 124 can be provided from a server, which can also send information to the set top box 152 in connection with fulfilling customer responses to advertisements. Such information sent from the server to the set top box 152 or other terminal of the customer can include, but not be limited to, an email, an order form, requested product information, confirmation of orders, or other information in electronic format capable of being sent to the customer. (Emphasis added.)

Thus, Stettner states that ATVEF triggers may be inserted into a television broadcast, for instance to provide a URL for the website of a merchant associate with an advertisement that is being displayed (paragraph 53). However, Stettner does not teach or suggest that the event notifications or ATVEF triggers are transmitted over a TV channel that is different than the TV channel being displayed. Instead, it seems more likely that the triggers would be sent on the same channel, possibly on the vertical blanking interval (VBI) line for that channel.

Indeed, the teachings for transmitting triggers over a different channel are only found in the present application. The rejections of the independent claims thus seem to be based on hindsight reasoning, in view of the present application, rather than on any specific teachings in the cited art. Of course, hindsight reasoning is not a valid basis for an obviousness rejection.

For at least the foregoing reasons, the Final Office Action fails to make out a prima facie case of obviousness for any of the independent claims. In addition, the dependent claims implicitly include the features of the independent claims, and the dependent claims involve additional features that are not disclosed or suggested by the cited art.

Conclusion

In view of the foregoing, favorable reconsideration and reversal of the rejections is respectfully requested. If there are any questions regarding the present application, the Examiner and / or the Board is invited to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

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(viii) Claims Appendix.

1. (Previously presented) A method comprising:
 - receiving a television stream;
 - causing the display of a first program of a first television channel received in the television stream for viewing by a viewer; and
 - notifying the viewer of an event occurring in a second program of a second television channel being broadcast concurrently with the first program, notification of the event being transmitted over a third television channel.
2. (Original) The method of claim 1, wherein the television stream comprises an enhanced television stream.
3. (Original) The method of claim 2, further comprising receiving an event notification within the enhanced television stream, the event notification indicating occurrence of the event.
4. – 5. (Cancelled)
6. (Original) The method of claim 1, further comprising automatically causing the changing of the channel after the event occurs to display the second program of the second channel instead of the first program.
7. (Original) The method of claim 1, further comprising concurrently causing the display of the first program on a first portion of a display and the second program on a second portion of the display.
8. (Original) The method of claim 1, further comprising identifying portions of programs as signifying events.

9. (Original) The method of claim 1, further comprising registering for notification of events.
10. (Original) The method of claim 9, further comprising receiving a plurality of event notifications, filtering the event notifications to identify those event notifications corresponding to registered events, and notifying the viewer of occurrences of registered events for which event notifications have been received.
11. (Original) The method of claim 9, wherein registered events occur in programs broadcast on a plurality of channels.
12. (Original) The method of claim 1, wherein the second program is broadcast live and the event is determined in real-time.
13. (Previously presented) An article comprising: a storage medium having a plurality of machine readable instructions, wherein when the instructions are executed by a processor, the instructions provide for handling of event notifications in television programming, the instructions including receiving a television stream, cause the display of a first program of a first television channel received in the television stream for viewing by a viewer, and notifying the viewer of an event occurring in a second program of a second television channel being broadcast concurrently with the first program, notification of the event being transmitted over a third television channel.
14. (Original) The article of claim 13, wherein the television stream comprises an enhanced television stream.
15. (Original) The article of claim 14, further comprising instructions for receiving an event notification within the enhanced television stream, the event notification indicating occurrence of the event.
- 16-17. (Cancelled)

18. (Original) The article of claim 13, further comprising instructions for automatically causing the changing of the channel after the event occurs to cause the display of the second program of the second channel instead of the first program.

19. (Original) The article of claim 13, further comprising instructions for concurrently causing the display of the first program on a first portion of a display and the second program on a second portion of the display.

20. (Original) The article of claim 13, further comprising instructions registering for notification of events.

21. (Original) The article of claim 20, further comprising instructions for receiving a plurality of event notifications, filtering the event notifications to identify those event notifications corresponding to registered events, and notifying the viewer of occurrences of registered events for which event notifications have been received.

22-25. (Cancelled)

26. (Previously presented) A method of receiving enhanced television programs comprising:

- receiving definitions of events occurring in programs;
- providing the event definitions to a viewer for selection of events of interest;
- receiving registrations for selected events of interest from the viewer;
- receiving an enhanced television stream, the stream comprising television programs and event notifications corresponding to events, the television programs being received over a first set of television channels, and the event notifications being received over a selected specialized television channel not in the first set of television channels;
- and

- comparing the received event notifications to the registered events and notifying the viewer when a received event notification corresponds to a registered event.

27. (Original) The method of claim 26, wherein the enhanced television stream comprises a digital television stream and the events occur in programs broadcast on a plurality of channels.

28. (Cancelled)

29. (Original) The method of claim 27, further comprising automatically causing the changing of a currently tuned channel carrying a first program being viewed after receiving an event notification corresponding to a registered event to display a second program associated with the registered event instead of the first program.

30. (Previously presented) An article comprising: a storage medium having a plurality of machine readable instructions, wherein when the instructions are executed by a processor, the instructions provide for handling of event notifications in television programming, the instructions including receiving definitions of events occurring in programs, providing the event definitions to a viewer for selection of events of interest, receiving registrations for selected events of interest from the viewer, receiving an enhanced television stream, the stream comprising television programs and event notifications corresponding to events, the televisions programs being received over a first set of television channels, and the event notifications being received over a selected specialized television channel not in the first set of television channels, and comparing the received event notifications to the registered events and alerting the viewer when a received event notification corresponds to a registered event.

31. (Original) The article of claim 30, wherein the enhanced television stream comprises a digital television stream and the events occur in programs broadcast on a plurality of channels.

32. (Cancelled)

33. (Original) The article of claim 30, further comprising instructions for automatically causing the changing of a currently tuned channel carrying a first program being viewed after receiving an event notification corresponding to a registered event to display a second program associated with the registered event instead of the first program.

(ix) *Evidence Appendix.*

None.

(x) *Related Proceedings Appendix.*

None.